



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 WASHINGTON, D.C. 20555-0001

December 4, 1996

Mr. Mark E. Weidler, Secretary
 New Mexico Environment Department
 Harold Runnels Building
 1190 St. Francis Drive
 P. O. Box 26110
 Santa Fe, NM 87502

Dear Mr. Weidler:

This is in response to Senator Bingaman's October 17, 1996 letter enclosing your letter of September 18, 1996 expressing concern about the Nuclear Regulatory Commission policy to discontinue funding for Agreement State training. This policy went into effect on October 1, 1996.

As you may know, the Commission has initiated a Strategic Assessment and Rebaselining effort that includes a review of the relationship between the NRC and the Agreement States. Funding of Agreement State training is again being addressed in this evaluation, and the NRC has conducted several public meetings to discuss this, along with other issues. While the Commission has not made a final decision on this matter, a majority of the Commission is preliminarily in favor of a compromise position in which the NRC would provide training to Agreement States without charge on a "space available" basis. Funding for travel and technical assistance would be borne by the Agreement States. Our objectives in the Strategic Assessment and Rebaselining effort with respect to this issue are to determine an equitable method of funding and an appropriate scope for NRC's Agreement State activities.

The Commission believes that the stakeholders' comments (from Agreement and non-Agreement States, Agreement and non-Agreement State licensees, and members of the public) will be important in the final resolution of this difficult issue. Your comments certainly will be considered in the analysis. Therefore, I have forwarded Senator Bingaman's October 17, 1996 letter to the Secretary of the Commission to be addressed as a comment on the Strategic Assessment and Rebaselining effort, Direction Setting Issue 4, NRC's Relationship with Agreement States. We welcome your further comments on this and other Strategic Issues. For your information, I have enclosed the public announcement and package of Direction-Setting Issues (DSI) that the Commission released for discussion at the public meetings.


The Commission recently informed the staff that it does not object to the staff implementing its preliminary views on training discussed above. NRC expects that space available training partially will reduce the need for Agreement States to seek training from other sources or to develop their own training courses and the financial burdens of doing so. Additionally, a working group consisting of representatives from the NRC and Agreement States already has been formed to evaluate the ongoing evolution of training programs for Agreement State personnel, the criteria for evaluation of Agreement State programs in the area of training qualification, and possible training options for Agreement State personnel.

M. E. Weidler

-2-

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Sincerely,


Richard L. Bangart, Director
Office of State Programs

Enclosures:
As stated

cc: Senator Jeff Bingaman

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ORIGINAL SIGNED BY

Richard L. Bangart, Director
Office of State Programs

Enclosures:
As stated

cc: Senator Jeff Bingaman

Distribution:

EDO RF (GT96810)

SECY (CRC-96-1094)

DIR RF

HLThompson

RLBangart

PLohaus

SDroggitis

DSollenberger

Reimbursement Cost File

New Mexico File

PCA

DCD (SP08) PDR (YES_X NO__)

DOCUMENT NAME: G:\BINGAMAN.DMS

*See previous concurrence

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|--------|--------------------|-----------|------------|------------|
| OFFICE | OSP | OSP:DD | OSP:D | DEDS |
| NAME | DMSollenberger:kk* | PHLohaus* | RLBangart* | HLThompson |
| DATE | 11/27/96 | 11/27/96 | 11/27/96 | 12/2/96 |

OSP FILE CODE: SP-R-14, SP-AG-19

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OSP FILE CODE: SP-R-14, SP-AG-19

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| NAME | DMSollenberger:kk | PHLohaus | RLBangart | HLThompson | |
| DATE | 11/27/96 | 11/27/96 | 11/27/96 | 11/ /96 | |

OSP FILE CODE: SP-R-14, SP-AG-19

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 11/07/96

EDO CONTROL: GT96810

DOC DT: 10/17/96

FINAL REPLY:

Sen. Jeff Bingaman

TO:

Dennis Rathbun, OCA

FOR SIGNATURE OF :

** GRN **

CRC NO:

Bangart

DESC:

ROUTING:

ENCLOSES LTR FROM MARK E. WEIDLER, NEW MEXICO
ENVIRONMENT DEPT. RE NEW MEXICO'S PARTICIPATION
IN THE AGREEMENT STATE PROGRAM

Taylor
Milhoan
Thompson
Blaha

DATE: 10/24/96

ASSIGNED TO:

CONTACT:

SP

Bangart

SPECIAL INSTRUCTIONS OR REMARKS:

Reply direct to Constituent
with cc to Sen. Bingaman &
mark envelope ATTN: Hernan Ciudad.
Ref. GT96795

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-1094 LOGGING DATE: Oct 22 96

ACTION OFFICE: EDO

AUTHOR: SEN JEFF DINGAMAN
AFFILIATION: U.S. SENATE

ADDRESSEE: RATHBUN

LETTER DATE: Oct 17 96 FILE CODE: IDR-15

SUBJECT: NEW MEXICO'S PARTICIPATION IN THE AGREEMENT STATE
PROGRAM

ACTION: Direct Reply


DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: OCA TO ACK

CONSTITUENT: MARK WEIDLER

NOTES:

DATE DUE: Nov ⁵~~4~~ 96

SIGNATURE: .  DATE SIGNED:

AFFILIATION:

EDO -- GT96810

United States Senate

October 17, 1996

Mr. Dennis K. Rathbun
Director
Nuclear Regulatory Commission
Office of Congressional Affairs
1717 H Street
Washington, D.C. 20555

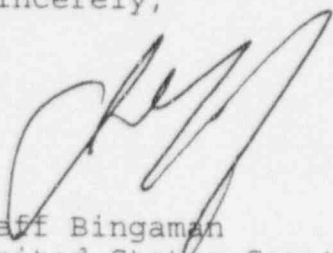
Dear Mr. Rathbun:

I have received the enclosed letter from Mark E. Weidler, Secretary of the New Mexico Environment Department. He has expressed a concern about New Mexico's participation in the Agreement State Program.

I would appreciate your attention in accommodating the needs of Secretary Weidler. Please look into this matter and report back directly to him with your findings. Please provide Hernan Ciudad in my office with a copy of your response.

Thank you for your attention to this matter.

Sincerely,



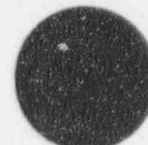
Jeff Bingaman
United States Senator

JB/hc
Enclosure



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850



MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

September 18, 1996

The Honorable Jeff Bingaman
United States Senator
703 Hart Senate Bldg.
Washington, D.C. 20515

Dear Senator Bingaman:

New Mexico became an Agreement State in 1974. The 1978 amendment to the Atomic Energy Act requires the NRC to periodically review Agreement State Programs. New Mexico's Radiation Control Program has always met the requirements to protect the public health and safety. Amendments to the New Mexico Radiation Protection Regulations, which became effective in May 1995, kept the state's program in compliance with NRC requirements.

Historically, the NRC has maintained a continuing relationship with each Agreement State to assure continued compatibility of the State's regulatory program and its adequacy to protect health and safety. This relationship included, among other things, training of Agreement State regulatory staffs at no charge to the participants. Beginning October 1996, the NRC will begin charging the Agreement States such as New Mexico for all training needs.

New Mexico's Radiation Control Program is funded wholly from the State General Fund and monies are unavailable to support training programs for staff previously sponsored by NRC.

The Department believes that the minimal support (approximately \$15,000 per year) provided to New Mexico through the States Agreement Program is a bargain for the NRC and should be continued. Should the NRC be required to assume regulatory responsibility for the state byproduct programs based on rescission of the agreement, the cost to the NRC would be substantial compared to the minimal support now provided to New Mexico.

If financial assistance for Radiation Control Program personnel training is not restored, New Mexico will have to look seriously at returning its entire Radiation Control Program to the NRC. Such an action would undoubtedly lead to the closure of many of the State's smaller businesses licensed to possess and use radioactive materials, since they will be unable to conform to the NRC's ever-escalating fee schedule.

Your assistance in petitioning NRC to amend its policy and restore financial support for the training needs of the Agreement States is strongly encouraged and will be greatly appreciated.

Please contact Mr. Benito J. Garcia or Mr. William Floyd of my staff at (505) 827-1557 should you have any questions.

Sincerely,

Mark E. Weidler, Secretary
New Mexico Environment Department

MEW:lr
Attachment

EXECUTIVE TASK MANAGEMENT SYSTEM

<<< PRINT SCREEN UPDATE FORM >>>

TASK # - 6E810

DATE- 10/25/96

MAIL CTRL. - 1996

TASK STARTED - 10/25/96

TASK DUE - 11/05/96

TASK COMPLETED - / /

TASK DESCRIPTION - ENCL LTR FROM MARK E. WEIDLER, NEW MEXICO ENVIRONMNT
DEPT. RE NEW MEXICO'S PARTICIPATION IN THE A/S PROGRAM

REQUESTING OFF. - SENATE REQUESTER - SEN. BINGAMAN WITS - 0 FYP - N

PROG. -

PERSON -

STAFF LEAD -

PROG. AREA -

PROJECT STATUS -

DUE OSP: 11/6/96

Extended - DUE EDO: ~~11/7/96~~ 11/14/96

PLANNED ACC. - N

REF. GT96795

LEVEL CODE - 2

CC: PHL
SCD
ALB

Assign to: DMS4

Whenever we obtain
Concurrence in the Cong.
Skeen response, the same
language can be used
here.
hgr



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 4, 1996

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New Mexico Environment Department
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1190 St. Francis Drive
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NRC FILE CENTER COPY

SP-R-14


Case Reference L-49

SP-AG-79

96123000 94 TTP

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New Mexico File

PCA

DCD (SP08) PDR (YES_X_ NO__)

DOCUMENT NAME: G:\BINGAMAN.DMS

*See previous concurrence

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| OFFICE | OSP | OSP:DD | OSP:D | DEDS |
| NAME | DMSollenberger:kk* | PHLohaus* | RLBangart* | HLThompson |
| DATE | 11/27/96 | 11/27/96 | 11/27/96 | 12/2/96 |

OSP FILE CODE: SP-R-14, SP-AG-19

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| NAME | DMSollenberger:kk | PHLohaus | RLBangart | HLThompson | |
| DATE | 11/27/96 | 11/27/96 | 11/27/96 | 11/ /96 | |

OSP FILE CODE: SP-R-14, SP-AG-19

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DUE: 11/07/96

EDO CONTROL: GT96810

DOC DT: 10/17/96

FINAL REPLY:

Sen. Jeff Bingaman

TO:

Dennis Rathbun, OCA

FOR SIGNATURE OF :

** GRN **

CRC NO:

Bangart

DESC:

ROUTING:

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ENVIRONMENT DEPT. RE NEW MEXICO'S PARTICIPATION
IN THE AGREEMENT STATE PROGRAM

Taylor
Milhoan
Thompson
Blaha

DATE: 10/24/96

ASSIGNED TO:

CONTACT:

SP

Bangart

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with cc to Sen. Bingaman &
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Ref. GT96795

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-1094 LOGGING DATE: Oct 22 96

ACTION OFFICE: EDO

AUTHOR: SEN JEFF BLINGAMAN
AFFILIATION: U.S. SENATE

ADDRESSEE: RATHBUN

LETTER DATE: Oct 17 96 FILE CODE: IDR-15

SUBJECT: NEW MEXICO'S PARTICIPATION IN THE AGREEMENT STATE
PROGRAM

ACTION: Direct Reply

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: OCA TO ACK

CONSTITUENT: MARK WEIDLER

NOTES:

DATE DUE: Nov 15 96

SIGNATURE: . X

AFFILIATION: DATE SIGNED:

EDO -- GT96810

United States Senate

October 17, 1996

Mr. Dennis K. Rathbun
Director
Nuclear Regulatory Commission
Office of Congressional Affairs
1717 H Street
Washington, D.C. 20555

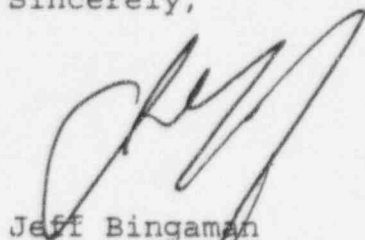
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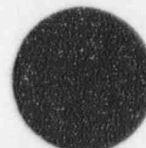
Jeff Bingaman
United States Senator

JB/hc
Enclosure



GARY E. JOHNSON
GOVERNOR

404825
State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850



MARK E. WEIDLER
SECRETARY

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New Mexico became an Agreement State in 1974. The 1978 amendment to the Atomic Energy Act requires the NRC to periodically review Agreement State Programs. New Mexico's Radiation Control Program has always met the requirements to protect the public health and safety. Amendments to the New Mexico Radiation Protection Regulations, which became effective in May 1995, kept the state's program in compliance with NRC requirements.

Historically, the NRC has maintained a continuing relationship with each Agreement State to assure continued compatibility of the State's regulatory program and its adequacy to protect health and safety. This relationship included, among other things, training of Agreement State regulatory staffs at no charge to the participants. Beginning October 1996, the NRC will begin charging the Agreement States such as New Mexico for all training needs.

New Mexico's Radiation Control Program is funded wholly from the State General Fund and monies are unavailable to support training programs for staff previously sponsored by NRC.

The Department believes that the minimal support (approximately \$15,000 per year) provided to New Mexico through the States Agreement Program is a bargain for the NRC and should be continued. Should the NRC be required to assume regulatory responsibility for the state byproduct programs based on rescission of the agreement, the cost to the NRC would be substantial compared to the minimal support now provided to New Mexico.

If financial assistance for Radiation Control Program personnel training is not restored, New Mexico will have to look seriously at returning its entire Radiation Control Program to the NRC. Such an action would undoubtedly lead to the closure of many of the State's smaller businesses licensed to possess and use radioactive materials, since they will be unable to conform to the NRC's ever-escalating fee schedule.

Your assistance in petitioning NRC to amend its policy and restore financial support for the training needs of the Agreement States is strongly encouraged and will be greatly appreciated.

Please contact Mr. Benito J. Garcia or Mr. William Floyd of my staff at (505) 827-1557 should you have any questions.

Sincerely,

Mark E. Weidler, Secretary
New Mexico Environment Department

MEW:lr
Attachment

EXECUTIVE TASK MANAGEMENT SYSTEM

<<< PRINT SCREEN UPDATE FORM >>>

TASK # - 6E810

DATE- 10/25/96

MAIL CTRL. - 1996

TASK STARTED - 10/25/96

TASK DUE - 11/05/96

TASK COMPLETED - / /

TASK DESCRIPTION - ENCL LTR FROM MARK E. WEIDLER, NEW MEXICO ENVIRONMNT
DEPT. RE NEW MEXICO'S PARTICIPATION IN THE A/S PROGRAM

REQUESTING OFF. - SENATE REQUESTER - SEN. BINGAMAN WITS - 0 FYP - N

PROG.-

PERSON -

STAFF LEAD -

PROG. AREA -

PROJECT STATUS -

PLANNED ACC. - N

LEVEL CODE - 2

DUE OSP: 11/6/96

Attended - DUE EDO: ~~11/7/96~~ 11/14/96

REF. GT96795

CC: PHZ
SCD
ALB

Assign to: DMS4

Whenever we obtain
Concurrence on the Cong.
Speech response, the same
language can be used
here. *hgz*